Northern District of New York in proceedings (hereinafter called the District Court proceedings) brought to enjoin, set aside and annul the report and order entered by the Interstate Commerce Commission, in consolidated proceedings before that Commission entitled—*Class Rate Investigation, 1939*—and—*Consolidated Freight Classification*—(hereinafter called the Class Rate proceedings).

2. During the pendency of the Class Rate proceedings before the Interstate Commerce Commission your petitioners' then incumbent predecessors in office, together with the then Governors of the States of Maine, New Hampshire and Rhode Island, petitioned for and were granted leave to intervene in said proceedings, upon their allegation, among other things,

> "That numerous of the matters and the level of the rates in issue in the above entitled proceedings are applicable to shipments transported in interstate commerce between points in so-called Official Classification Territory (including points in New England) and points outside said Official Classification Territory and your petitioners have, by reason thereof, a direct interest in the matters in issue", and
>
> "That your petitioners are informed and believe and therefore aver that it is now in the interests of the people of the New England States that they be heard in these proceedings and participate therein."

3. During the remainder of the pendency of the Class Rate proceedings said original intervening Governors, or their successors in office, participated actively in said proceedings.

4. At the time of the commencement of the District Court proceedings, your petitioners' immediate predecessors in office, together with the then and present Gov-

ernors of the States of Maine, New Hampshire and Rhode Island, petitioned for and were granted leave to intervene in said proceedings, thereafter participated actively therein, and upon the conclusion thereof, prosecuted this appeal.

5. During the pendency of this appeal, and on or about November 5, 1946, your petitioners were elected to the respective offices which they now hold, and since that time have duly qualified for, and been installed in, said offices and your petitioners' predecessors in office have, accordingly, ceased to hold office.

6. This proceeding relates to the present and future discharge of your petitioners' official duties as Governors in their respective States, and there is a substantial need for continuing and maintaining their participation in this cause and obtaining an adjudication of the questions involved.

WHEREFORE your petitioners pray that they may be substituted for The Honorable Mortimer R. Proctor, The Honorable Maurice J. Tobin and The Honorable Raymond E. Baldwin, respectively, as appellants herein, and for such other and further relief as this Honorable Court may deem meet and proper.

By their attorney,

HENRY E. FOLEY